



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,254	08/26/2003	Jong-hak Ahn	Q76509	3042
23373 7590 01/22/2010				
SUGHRUE MION, PLLC				
2100 PENNSYLVANIA AVENUE, N.W.				
SUITE 800				
WASHINGTON, DC 20037				
EXAMINER				
ALAVI, AMIR				
ART UNIT		PAPER NUMBER		
2624				
NOTIFICATION DATE		DELIVERY MODE		
01/22/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

Office Action Summary

Application No.

10/647,254

Applicant(s)

AHN ET AL.

Examiner

Amir Alavi

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 8-10, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 and 8-10 is/are allowed.
- 6) ☒ Claim(s) 15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

- Applicant's arguments with respect to claims 15-16 have been considered but are moot in view of the new ground of rejection.

Claim Rejections - 35 USC § 102

- The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- *Claims 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohki (USPN 4,651,206).*

Regarding claim 15, Ohki, recites determining, by a decoder, whether to perform motion compensation on motion vector decoded data or not depending on a value of a decoded motion vector and generating a decoded image based on a result of the determining to perform the motion compensation (Please note, figure 3, in correlation to column 4, lines 1-10. As indicated since the motion compensation inhibition corresponds to the motion vector of zero, the decoder 15 reproduces the television video signal in accordance with the inter-frame prediction coding without the motion compensation when the motion compensation is inhibited. Consequently, when the moving vector is received, the signal can be decoded correctly without the motion compensation inhibition signal. The signal decoded by the motion compensation inter-frame decoder 15 is a digital signal which is supplied to an output signal line 16 and comprises the television video signal).

Claim Rejections - 35 USC § 103

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- *Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohki (USPN 4,651,206) in view of Francois et al. (USPN 7,092,443 B2), hereinafter, "Francois".*

Regarding claim 16, Ohki, recites determining, by a decoder, whether to perform motion compensation on motion vector decoded data or not depending on a value of a decoded motion vector and generating a decoded image based on a result of the determining to perform the motion compensation (Please note, figure 3, in correlation to column 4, lines 1-10. As indicated since the motion compensation inhibition corresponds to the motion vector of zero, the decoder 15 reproduces the television video signal in accordance with the inter-frame prediction coding without the motion compensation when the motion compensation is inhibited. Consequently, when

the moving vector is received, the signal can be decoded correctly without the motion compensation inhibition signal. The signal decoded by the motion compensation inter-frame decoder 15 is a digital signal which is supplied to an output signal line 16 and comprises the television video signal).

Ohki does not expressly recite, utilizing an MPEG video.

Francois recites, utilizing an MPEG video (Please note, column 1, lines 28-39. As indicated the choice of the mode of prediction of the macroblocks belonging to the images of B type or B images, as per the MPEG 4 standard, is highly dependent on the mode of coding adopted for the "co-located" macroblocks of the last coded predicted reference P image. The MPEG 4 standard ISO/IEC 14496-2 relating to video coding specifies, as far as motion compensation for skipped macroblocks is concerned, that if the co-located macroblock which is situated in the I or P video object plane (I-VOP or P-VOP) most recently decoded is skipped, the macroblock belonging to the B images is processed in the forward predictive mode ("forward prediction") with the zero motion vector).

Ohki & Francois are combinable because they are from the same field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to utilize this MPEG of Francois in Ohki's invention.

The suggestion/motivation for doing so would have been as indicated on column 1, lines 28-39, that if the co-located macroblock which is situated in the I or P video object plane (I-VOP or P-VOP) most recently decoded is skipped, the macroblock belonging to the B images is processed in the forward predictive mode ("forward prediction") with the zero motion vector.

Therefore, it would have been obvious to combine Francois with Ohki to obtain the invention as specified in claim 16.

Allowable Subject Matter

- Claims 1-3 and 8-10 are allowed.

Examiner's Note

- The referenced citations made in the rejection(s) above are intended to exemplify areas in the prior art document(s) in which the Examiner believed are the most relevant to the claimed subject matter.
- However, it is incumbent upon the Applicant to analyze the Prior Art document(s) in its/their entirety since other areas of the document(s) may be relied upon at a later time to substantiate Examiner's rationale of record.
- A Prior Art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). However, "the Prior Art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed" In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

- Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amir Alavi whose telephone number is 571-272-7386. The examiner can normally be reached on Mon-Friday. 8:30 am thru 5:00pm.
- If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vikram Bali can be reached on 571-272-7415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

- Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amir Alavi/
Primary Examiner, Art Unit 2624
05 January 2010